

PHILLIP A. TALBERT  
United States Attorney  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DALE WESLEY HUBBARD,  
  
Defendants.

CASE NO. 1:22-CR-00306-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

CURRENT DATE: October 18, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 18, 2023.
2. The Court issued a minute order directing the parties to set a trial date either by stipulation or agreement on the record by October 11, 2023.
3. By this stipulation, defendant now moves to vacate the status conference and set a change of plea hearing for November 6, 2023 before the Honorable Jennifer L. Thurston, and to exclude time between October 18, 2023, and November 6, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
4. The parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the discovery associated with this case includes reports, photographs, and recordings; initial discovery has been provided to defense counsel and the

1 government anticipates significant additional discovery will be produced. The government is  
2 aware of its ongoing discovery obligations.

3 b) Counsel for defendant desires time to finalize plea discussions with their clients  
4 and have accounted for scheduling conflicts to reach the proposed date.

5 c) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny them the reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendants in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of October 18, 2023 to November 6,  
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it  
15 results from a continuance granted by the Court at defendant's request on the basis of the Court's  
16 finding that the ends of justice served by taking such action outweigh the best interest of the  
17 public and the defendant in a speedy trial.

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1           5.       Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

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5           IT IS SO STIPULATED.

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7           Dated: October 11, 2023

PHILLIP A. TALBERT  
United States Attorney

8                               /s/ KIMBERLY A. SANCHEZ  
9                               KIMBERLY A. SANCHEZ  
Assistant United States Attorney

10          Dated: October 11, 2023

11                              /s/ KEVIN P. ROONEY  
12                              KEVIN P. ROONEY  
13                              Counsel for Defendant  
14                              DALE WESLEY HUBBARD

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16  
17   **ORDER**

18           IT IS SO ORDERED.

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21          DATED: 10/11/2023

*Sheila K. Oberto*  
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Hon. Sheila K. Oberto  
U.S. Magistrate Judge